



OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

COPY MAILED

MAY 25 2006

OFFICE OF PETITIONS

In re Application of
Samuele Vinati et al.
Application No. 09/880,147
Filed: June 14, 2001
Attorney Docket No. 34669/GM/ch

:
: ON PETITION
:
:
:

This is a decision on the petition filed January 17, 2006, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-referenced application was held abandoned on September 15, 2005 for failure to file a proper reply to a Final Office Action mailed June 14, 2005 in compliance with 37 CFR 1.113. A response was filed December 15, 2005 with a three month extension of time but by advisory action mailed December 28, 2005, petitioner was advised that the response did not place the application in condition for allowance. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Comes now petitioners with the instant petition to revive and Notice of Appeal. Additionally, a review of the file reveals that an Appeal Brief was filed April 19, 2006 with a two month extension of time request.

The Notice of Appeal filed January 17, 2006, has been entered and made of record. Although petitioners have submitted the Appeal Brief, the agency is obligated to inform petitioners that they have a two (2)-month period for filing the Appeal Brief, accompanied by the fee required by law, and that the two (2)-month period runs from the date of this decision.

The matter is being referred to Technology Center 2135 for a review of the Notice of Appeal and the Appeal Brief.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions